

their dependent claims add additional novel, non-obvious, limitations not taught by *King*, the dependent claims are, *a fortiori*, not anticipated by the applied art.

A. The Applied Reference Is Not Available As A 35 U.S.C. § 102(b) Reference

As an initial matter, Applicant notes that *King* has an issue date of February 16, 1999. However, the present application, although having been filed May 19, 2000, is a divisional of, and properly claims priority in the first sentence as required under 37 C.F.R. § 1.78(a)(2), United States patent number 6,058,415, filed July 24, 1997, through co-pending application serial number 09/528,816, filed March 20, 2000. Accordingly, the priority date of the present application predates the issue date of *King*. As such, *King* is available only as a 35 U.S.C. § 102(e) reference.

B. The Applied Reference Does Not Meet All Claim Limitations

1. The Independent Claims

In rejecting independent claim 1, the Examiner asserts that *King* meets the claim as *King* teaches a method and system for scheduling a telephone call from a calling party directed to a particular called party. Applicant respectfully points out that the invention of claim 1 is not directed toward scheduling a telephone call, but rather to completing calls from a calling party directed to a particular called party. Although Applicant appreciates that the language of the preamble is generally not given patentable weight, see M.P.E.P. § 2111.02, it is respectfully asserted that the above identified distinction between the prior art and the invention of the claim is reflected in the language in the body of the claim. Specifically, claim 1 recites “a call routing scheme of said call routing system is modified to route calls as a function of said select portions of said calendaring information.”

In order to better aid the Examiner in understanding the claimed invention, attention is directed toward the present specification at page 14, lines 14-19. Therein operation of a preferred embodiment of the present invention is described as “[h]aving been provided information with respect to a user being unavailable between the hours of 6:00 a.m. and 9:00

a.m., when the communication system receives a call for that particular user at, for example, 7:00 a.m. the call processing application would know that the user is unavailable, i.e., in a meeting, and would therefore presume that she/he did not want to be disturbed.” The specification goes on to state that “instead of routing the call through to the user’s office phone number, the call processing application might direct the call to the user’s voice mail,” page 14, lines 18-19.

In stark contrast to the routing of calls as a function of calendaring information as recited in claim 1, *King* teaches only that a calling party may schedule a future call with the called party. For example, at column 3, line 60, through column 4, line 2, *King* teaches that when a calling party makes a call which is unanswered, a voice mail system presents the options of leaving a voice mail message or scheduling a return call. “When the calling party selects to schedule a return call, voice mail system 14 forwards the request for a return call . . . to calendar system 15 [and c]alendar system 15 stars an agent module which checks the calendars for the calling party from telephone 12 and the called party at telephone 11 in order to schedule a return call,” column 4, lines 3-18. Consistent with the identified portion of the *King* specification, there simply is no disclosure anywhere in *King* to actually routing a call as a function of calendaring information.

In asserting that the identified routing limitation of claim 1 is met by *King*, the Examiner relies upon column 4, line 54, through column 5, line 18, and column 5, line 62, through column 6, line 60. However, the identified portion of *King* teaches only of a call scheduler as described above, without any hint or suggestion of modification of a routing scheme to route calls as a function of calendaring information. For example, at column 6, lines 35-42, *King* teaches that, when an available time slot match is found between the calling party’s and called party’s calendar, “agent module 60 reserves the time slot in both the first calendar and the second calendar for the call. Thus for the example shown, agent module 60 writes into the calendar shown in Table 1, for the time slot from 10:30 AM through 11:00AM, the following: ‘Call Carol Nichols’ Likewise, agent module 60 writes into the calendar shown in Table 2, for the time slot from 10:20AM through 11:00AM, the following: ‘Expect call from Jim Rey’”. Clearly no call routing scheme of a call router is modified by

this operation, but instead a calendar entry is made to remind the two parties of the scheduled call, at which time one of the parties must actually call the other party.

Although the portion of *King* relied upon by the Examiner to meet the routing limitation of claim 1 discloses phone numbers provided in a calendar, see Table 1 column 4, lines 30-53, there is no suggestion provided in the disclosure of *King* to use these phone numbers in a routing scheme of a call routing system. Indeed, *King* expressly teaches that in addition to the above entries regarding the scheduled call, additional information may also be written into the calendar for the scheduled call such that "the calendar may indicate a telephone number where each party may be reached," column 6, lines 42-47. Accordingly, in stark contrast to the invention of the claim, a phone number is provided to the parties to thereby allow them to directly contact one another at the appointed hour without the assistance of an automated call routing system.

As shown above, the disclosure of *King* is insufficient to meet the limitation of claim 1 reciting a call routing scheme of a call routing system being modified to route calls as a function of calendaring information. As "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989), in order for a prior art reference to be anticipatory under 35 U.S.C. § 102, it is respectfully asserted that claim 1 and the claims dependent therefrom are not anticipated under 35 U.S.C. § 102 by *King*.

As the disclosure of *King* provides no hint or suggestion of modification of a call routing scheme of a call routing system using calendaring information, it is respectfully asserted that claim 1 and the claims dependent therefrom are not obvious under 35 U.S.C. § 103 over *King*. Moreover, modification of *King* to provide call routing based upon calendaring rather than the disclosed scheduling of calls would unpermissably change the principle of operation of the invention of *King*. Therefore, the teachings of *King* are not sufficient to render the claims *prima facie* obvious, M.P.E.P. § 2143.01, citing *In re Ratti*, 123 U.S.P.Q. 349 (CCPA 1959).

In addition to the above identified differences between the disclosure of *King* and the limitations of the present claims, Applicant points out that claim 1 recites the use of a general purpose processor-based system storing called party calendaring information. As discussed with respect to a preferred embodiment at page 11, lines 15-17, "monthly calendar 102 is a representation of a calendar that may be displayed by a PC or personal digital assistant calendar application." The present invention takes advantage of this cache of information with respect to events scheduled for individual users, and thus their availability within the office, stored on such general purpose computing devices and operates to extract specific information corresponding to a particular user and provide this information to a call processing system, see page 11, line 25, through page 12, line 4.

Rather than teaching a general purpose processor-based system storing called party calendaring information as recited in claim 1, *King* teaches that the called party calendar system is within a telephone system, see column 2, line 28. Accordingly, *King* teaches a telephone system which has been modified to include calendaring information rather than the general purpose processor-based system of the claims. As taught in the present specification, the invention "takes advantage of the fact that computer applications having information relevant to call handling services stored therein, such as calendar programs, exist," page 4, lines 3-5. Moreover, a preferred embodiment of the present invention is taught to provide interaction between a communication system (e.g., telephone system) and a computer application with a minimum of modification to either system, see page 4, lines 20-21. It is, therefore, asserted that claim 1 and the claims dependent therefrom are not anticipated under 35 U.S.C. § 103 over *King*.

Independent claim 8 stands rejected for the same reasons as set forth in the rejection of claim 1. Applicant has shown how the disclosure of *King* is insufficient to teach or suggest either: (i) the modification of a call routing scheme of a call routing system as a function of calendaring information; or (ii) the recited general purpose processor-based system storing the calendaring information. Accordingly, it is respectfully asserted that claim 8 and the claims dependent therefrom are allowable over the rejections of record.

Independent claim 15 stands rejected for the same reasons as set forth in the rejection of claim 1. Claim 15 recites a limitation in which calendaring information is provided to the call routing system to modify operation of the call routing system to route calls as a function of the calendaring information and, therefore, is asserted to be patentable over *King* for reasoning similar to that set forth above with respect to claim 1.

2. The Dependent Claims

Dependent claims 2-7, 9-14, and 16-20 stand rejected under 35 U.S.C. §102 over *King*. As shown above, the base claims from which these dependent claims depend recite limitations neither taught nor suggested by the disclosure of *King*. Accordingly, it is asserted that the dependent claims are *a fortiori* patentable over the applied art. Moreover, it is asserted that these dependent claims recite additional new and non-obvious limitations not found in the disclosure of *King*.

For example, claims 2 and 9 recite the calendaring information comprising a data file associated with a electronic calendar program operable on a personal computer. In rejecting these claims the Examiner relies upon the disclosure of *King* at column 4, line 26, through column 5, line 18, and column 6, lines 55-60. However, a review of the identified portion of *King* does not reveal use of a personal computer what-so-ever, much less an electronic calendar program operable thereon. Contrariwise, the disclosure of *King* is clear that the calendar system associated with the called party is within the telephone system, see column 2, line 27. The mere disclosure of notification of the parties as to changes made to their calendars through use of an electronic mailing system, see column 6, lines 56-57, simply cannot be read to meet the claims.

Similar to claims 2 and 9, claim 16 recites the calendaring information comprising a data file associated with a electronic calendar program operable on a personal computer. Moreover, the structure of claim 16 is such that a processor-based system is in communication with a call routing system and the calendaring information data file operable on a personal computer to provide portions of the calendaring information there between. There is nothing in the disclosure of *King* to meet the structure of this claim.

Claims 3, 10, and 17 recite the providing of the select portions of the calendaring information to the call routing system automatically. Claims 4, 11, and 18 recite such automatic providing being initiated upon modification of the calendaring information. Alternatively, claims 5, 12, and 19 recite such automatic providing being initiated at a preselected time interval. As described in the present specification, a preferred embodiment of the invention provides a translator which monitors the calendar data file for the appearance of new information with respect to a user or alternatively periodically analyze the calendar data file to determine if the translator should extract information from the calendar data file and provide updated information to the communication system, see page 11, lines 1-14. In contrast, the identified portion of *King* relied upon by the Examiner in rejecting these claims teaches only the updating of stored calendaring information to reflect the scheduling of a new call. Clearly, such update information is neither “initiated upon modification of said calendaring information stored on said general purpose processor-based system” nor “initiated at a preselected time interval” as recited in the claims. Moreover, it should be appreciated that the above distinction is in addition to the previously discussed distinction that the updated information of *King* is not utilized to modify call routing.

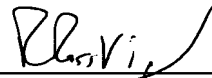
Claims 6 and 13 recite manipulating information gleaned from the calendaring information to provide calendaring information in a format suitable for augmentation into call routing information of the call routing system. Claim 20 recites a similar limitation. As explained with respect to a preferred embodiment of the present invention, a translator may recognize the data structure of a data file of a particular calendar application and may open the data file, browse the data file to intelligently parse useful information therefrom, extract information from the data file, and reformat the data into a format that can be used by a communication system such as a voice mail or call processing system, page 10, lines 11-18. In contrast, the disclosure relied upon by the Examiner in rejecting these claims is completely silent with respect to manipulation of information for providing calendaring information in any particular format. Furthermore, a review of the entire specification of *King* reveals that instead of providing manipulation of information to provide the information in a format suitable for one particular system, *King* teaches the use of a common platform between various systems, see column 9, lines 3-5.

III. Summary

As shown above, there are great differences between the claims and the prior art. Moreover a person of ordinary skill in the art considering the prior art would not find these differences obvious. Accordingly, Applicant respectfully traverses the Examiner's 35 U.S.C. § 102 rejections of record. Therefore, Applicant respectfully requests that the claims be passed to issue.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,



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